

Remarks/Arguments

Applicants have carefully reviewed the Office Action mailed April 3, 2009. To better point out his invention, applicants has amended claim 1. Following entry of the amendment, claims 1-14 remain pending in this application. Applicants request reconsideration of the above-identified application, as herein amended, in view of the following remarks, is respectfully requested.

35 U.S.C. §101 Rejection of Claims 1-7

Claims 1-7 stand rejected under 35 U.S.C. §101 as not falling within one of the four statutory categories of invention. In response to this rejection, applicants have amended the preamble and body of claim 1 to specify the implementation of the trick mode on a playback device. Thus, the setting of a discontinuity indicator and the setting of a substitute program clock reference in order to facilitate playback of the multimedia stream occur on the playback device" in accordance with the desired trick mode. Thus claim 1, and claims 2-7 that depend therefrom, now recite a "machine" and clearly satisfy the "machine or transformation" test associated with 35 U.S.C. §101 as established by the Court of Appeals for the Federal Circuit in *Bilski*. Applicants request withdrawal of the 35 U.S.C. §101 rejection of claims 1-7.

35 U.S.C. 102(b) Rejection of Claims 1-2, 4-6, 8-9 and 11-13

Claims 1-2, 4-6, 8-9 and 11-13 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,031,960 to Lane. Applicants traverse this rejection.

In asserting this rejection, the examiner relies on the disclosure at Col. 3, lines 40-58 and Col. 4, lines 34-42 of Lane as disclosing both of applicants' claimed steps of "setting a discontinuity indicator in an adaptation field associated with a video frame" and "setting a substitute program clock reference (PCR) in the adaptation field to facilitate playback of the multimedia stream.". Applicants respectfully disagree with the interpretation and application of

Lane. The cited passages of Lane simply do not teach, suggest or contemplates the setting of a discontinuity indicator in combination with setting a substitute PCR value.

Lane teaches merely setting substitute PCR values can be used to implement trick mode playback, for example fast motion playback. However, Lane does not contemplate that the trick mode performance will be limited by the decoder's synchronization circuit, and this problem is disclosed by Lane, taken singly or in combination with any of the other cited references.

A typical MPEG decoder comprises a synchronization circuit having a voltage controlled oscillator to generate a local system clock (LSTC). The LSTC synchronizes the decoder to the system time clock of the MPEG encoder. As the PCR values undergo manipulation to initiate trick mode playback, the synchronization circuit generates a control signal is generated. The control signal causes the frequency of the voltage controlled oscillator to shift, which interferes with playback timing. For instance, during fast forward playback the oscillator shift causes a time delay in the decoding and display of picture frames, thus limiting the quality of fast motion playback. Neither Lane nor Sugahara et al. recognize that this limitation exists. The present inventors, however, identified the limitation and invented the present means to overcome it.

The claimed invention sets the discontinuity indicator in each adaptation field to effectively disable the frequency adjustment process of the synchronization circuit 130. This causes each substitute PCR to get loaded into the counter as a new PCR, and thus re-set the LTSC with each new substitute value. Doing so prevents the output of the frequency controlled oscillator from increasing or decreasing in response to the new PCR values. Accordingly, the claimed invention provides trick mode playback with higher quality than that achieved by the teachings of Lane taken singly or in any combination with Sugahara et al.

In light of the foregoing, Applicant respectfully believes that independent claims 1 and 8, as well as all of the originally filed dependent claims 2-7 and 9-14 are believed to be novel and non-obvious over the cited references.

Claims 3 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lane in view of U.S. Patent No. 7,292,287 to Sugahara et al. Claims 3 and 10 depend from independent claims 1 and 8, respectively, and for at least the reasons discussed above are believed to be patentably distinct from the combination of references. Reconsideration and withdrawal of the rejection is respectfully requested.

Customer No. 24498
Serial No. 10/565,140
Resp to OA dated April 3, 2009

Docket No. PU030206
Art Unit 2621

Customer No. 24498
Serial No. 10/565,140
Resp to OA dated April 3, 2009

Docket No. PU030206
Art Unit 2621

Conclusion

In view of the foregoing, applicants solicit entry of this amendment and allowance of the claims. If the Examiner cannot take such action, the Examiner should contact the applicants' attorney at (609) 734-6820 to arrange a mutually convenient date and time for a telephonic interview.

No fees are believed due with regard to this Amendment. Please charge and fee or credit any overpayment to Deposit Account No. **07-0832**.

Respectfully submitted,
Charles Worrell et al.

By: /Robert B. Levy/
Robert B. Levy, Attorney
Reg. No. 28,234
Phone (609) 734-6820

Patent Operations
Thomson Licensing LLC
P.O. Box 5312
Princeton, New Jersey 08543-5312
24 June 2009